

UNOFFICIAL COMMUNICATION FOR EXAMINER REVIEW ONLY

I. Rejection of Claims 1-4 Under 35 U.S.C. §101

Claims 1-4 stand rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter. Withdrawal of this rejection is respectfully requested for at least the following reasons. The subject claims produce a useful, concrete, and tangible result. At page 2 of the Office Action (dated August 15, 2006) the Examiner recites the post-computer activity safe harbor provisions provided for in the MPEP, ostensibly to indicate that the claims do not fall within that particular safe harbor. Applicant's representative notes that a claim need not be within the auspices of the post-computer activity safe harbor in order to pass muster under 35 U.S.C. §101. Rather, the standard for consideration, as the Examiner also indicates, is whether the claims produce a useful, concrete, and tangible result. The instant claims do so. For example, the acts of receiving, determining, and defining, are employed for training a model. Training a model is a useful, concrete, and tangible result. Furthermore, as amended, independent claim 1 recites the act of graphing a distribution of parameter values, which the Examiner indicated may itself be statutory subject matter under the safe harbor provision.